

requires bills to be read on three several days be suspended and said rule is hereby suspended and this Act shall become effective from and after its enactment and it is so enacted.

Committee Room,
Austin, Texas, June 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 19, A bill to be entitled "An Act exempting the cash surrender value of life insurance policies from liability for debt when any member of the family of the insured is a beneficiary under such policies, and exempting same from any kind of forced sale or other process to satisfy any debt; providing the rule when such member or members are only partially the beneficiaries; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal.

MOORE, Chairman.

By Love. S. B. No. 19.

A BILL To Be Entitled

An Act exempting the cash surrender value of life insurance policies for debt when any member or members of the family of the insured is a beneficiary under such policies, and exempting same from any kind of forced sale or other process to satisfy any debt; providing the rule when such member or members are only partially the beneficiaries; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The cash surrender value of any life insurance policy shall be exempt from liability for any debt, and shall not be subject to forced sale, or other process to satisfy any debt, provided a member or members of the family of the insured are the beneficiaries under such policy, and in event they are only partially the beneficiaries then such policies shall be so exempt to the extent of their beneficiary interest.

Sec. 2. The fact that life insurance policies should be exempt from liability for debt as provided herein

in the interest of the family of the insured, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in both Houses be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

FOURTH DAY.

Senate Chamber,
Austin, Texas,
Thursday, June 6, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|-------------|-------------|
| Beck. | Neal. |
| Berkeley. | Parr. |
| Cousins. | Parrish. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Williamson. |
| Hyer. | Wirtz. |
| Love. | Witt. |
| Martin. | Woodul. |
| McFarlane. | Woodward. |
| Miller. | |

Absent.

Moore.

Absent—Excused.

Westbrook.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Beck and others:
S. B. No. 68, A bill to be entitled "An Act establishing a State San-

itary Code which provides for the prevention and control of disease; etc., and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senators Martin and Westbrook:

S. B. No. 69, A bill to be entitled "An Act creating the office of criminal district attorney in each county of this State in which there is a separate judicial district composed of said county only in which judicial district there is not now a district attorney serving said separate judicial district; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Beck and others:

S. B. No. 70, A bill to be entitled "An Act further regulating the practice of medicine within this State; etc., and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senator Moore and others:

S. B. No. 71, A bill to be entitled "An Act regulating the practice of medicine; amending Article 4495 of the Revised Civil Statutes of 1925 so as to provide for the Texas Board of Medical Examiners and for the appointment of the members of said Board and prescribing their term of office; etc., and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senator Small:

S. B. No. 72, A bill to be entitled "An Act amending Article 1112 of the Revised Civil Statutes of Texas, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senators Woodward and Witt:

S. B. No. 73, A bill to be entitled "An Act validating the service of citations whether published or posted in all proceedings where guardians have been appointed, written wills probated or executors or administrators appointed and validating sale of lands under the orders of the probate courts by guardians, executors or administrators after citation was published, as provided in Chapter 179, Acts Regular Session of 1917; etc., and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Parr:

S. B. No. 74, A bill to be entitled "An Act authorizing the State Board of Water Engineers to have made a scientific and sanitary study and investigation and report on the sources, amount and quality of the underground water supply in Texas; etc., and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Pollard:

S. B. No. 75, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State for the Judiciary Department of the State Government, for the balance of the fiscal years ending August 31, 1927, and 1929, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Berkeley:

S. B. No. 76, A bill to be entitled "An Act to provide for the payment of the salaries and office and traveling expenses of the county superintendent of schools in all counties having a population of less than 100,000 according to the Federal Census of 1920; etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Pollard:

S. B. No. 77, A bill to be entitled "An Act making appropriation to cover deficiencies in appropriations heretofore made for the support of the Judiciary Department of the State Government of the State of Texas, for the fiscal years ending August 31, 1923, 1925, 1927, 1928, and 1929, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Greer.

S. B. No. 78, A bill to be entitled "An Act making an appropriation of \$28,911.47, or so much thereof as may be necessary, payable out of the General Revenue not otherwise appropriated; etc., said appropriation being for the traveling, clerical and other expenses of the Board of Managers, and all other expenses connected with the sale and maintenance, operation or lease of said

railroad, and being for the period up to and including August 31, 1931; and declaring an emergency."

The bill was read first time and referred to Committee on Finance.

By Senator Greer.

S. B. No. 79, A bill to be entitled "An Act making an appropriation for the benefit of Slocum Consolidated School District No. 5 of Anderson County on account of the recent destruction of the school buildings and property in the territory now composing said district; directing the expenditure of said money; and declaring an emergency."

The bill was read first time and referred to Committee on Finance.

By Senator Neal.

S. B. No. 80, A bill to be entitled "An Act authorizing the issuance of bonds by the Commissioners Court of Panola County after same have been authorized by a majority vote of the qualified property tax paying voters of said county voting at an election called for the purpose, funding the Road and Bridge indebtedness of the County, incurred prior to the effective date of this Act, into bonds of Panola County, this law being a local road law for Panola County; etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Hornsby.

S. B. No. 81, A bill to be entitled "An Act amending Chapter 4 of the Local and Special Laws of the Regular Session of the 35th Legislature as amended, the same being a local road law for Llano County, so as to better improve the roads of said County; and declaring an emergency."

The bill was read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Parrish.

S. B. No. 82, A bill to be entitled "An Act authorizing the Board of Directors of the Texas Technological College to acquire, operate and manage 5 boys' and girls' dormitories at the school, and to furnish and equip the same, and dining hall building in connection therewith; and declaring an emergency."

The bill was read first time and

referred to Committee on State Affairs.

By Senator Parrish.

S. B. No. 83, A bill to be entitled "An Act amending section 2 of an Act passed by the 41st Legislature at the First Called Session, said bill being S. B. No. 87 relating to appointment of Deputy sheriffs; etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Cunningham.

S. B. No. 84, A bill to be entitled "An Act to amend Chapter 11 of Title 49, Revised Civil Statutes, of 1925, by adding to said Chapter Article 2701-A; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Education.

By Senator Love.

S. B. No. 85, A bill to be entitled "An Act to provide for the organization, incorporation or admission and the regulation and taxation of Mutual Insurance companies; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Insurance.

By Senator Hornsby.

S. B. No. 86, A bill to be entitled "An Act fixing the salary of County Commissioners in each county having a population of not less than 53,000 and not more than 53,750 according to the latest United States Census; etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Neal.

S. B. No. 87, A bill to be entitled "An Act relating to the State Board of Education; providing for the appointment of the members of said Board; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Educational Affairs.

By Senator Witt and others.

S. B. No. 88, A bill to be entitled "An Act to assist in the prevention of the theft of motor vehicles in Texas; etc., and declaring an emergency."

The bill was read first time and

referred to Committee on State Highways and Motor Traffic.

By Senator Pollard.

S. B. No. 89, A bill to be entitled "An Act making an emergency appropriation out of the money in the State Treasury for the Industrial Accident Board of the State of Texas, for the balance of the fiscal year ending August 31, 1929, and declaring an emergency."

The bill was read first time and referred to Committee on Finance.

By Senator Martin.

S. B. No. 90, A bill to be entitled "An Act amending Art. 819 of the Code of Criminal Procedure of 1925 so as to make provision for convicts out on bond pending appeal to voluntarily report to the penitentiary within five days after the receipt of the mandate by the Clerk from the Court of Criminal Appeals; etc and declaring an emergency."

The bill was read first time and referred to Committee on Criminal Jurisprudence.

By Senator Martin.

S. B. No. 91, A bill to be entitled "An Act relating to bills of exception in District and County Courts; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Civil Jurisprudence.

By Senator Russek.

S. B. No. 92, A bill to be entitled "An Act to exempt male persons residing in Fayette County, Texas, from road duty by paying to the County Tax Collector of said County the sum of Five Dollars annually; and declaring an emergency."

The bill was read first time and referred to Committee on State Highways and Motor Traffic.

Message from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office

Austin, Texas, June 6, 1929.

To the Senate of the Forty-first Legislature.

Capitol.

Gentlemen:

I have appointed, subject to your confirmation the persons whose names appear on the attached lists

as Notaries Public (Emergency) in and for the Counties set opposite their names.

Respectfully submitted,

DAN MOODY.

Governor.

(See following last day's Journal.)

Read and referred to Committee on Governor's Nominations.

Executive Session Set.

On motion of Senators Williamson and DeBerry, the Senate voted to go into executive session Friday morning at 11:00 o'clock for the purpose of considering Governor's nominations.

S. C. R. No. 5.

Senator Witt sent up the following resolution:

Whereas, W. C. Davis received personal injuries on or about October 22, 1928, while an employee of the State of Texas, as one of the employees of the Highway Department of this State, and

Whereas, The State of Texas, through its Highway Department is not permitted, under the Constitution and laws of this State to pay the said W. C. Davis his damages caused by such injury, and

Whereas, W. C. Davis desires to bring suit against the State of Texas to recover his damages, now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that permission be and the same is hereby granted to W. C. Davis to sue the State of Texas in one of the district courts of McLennan County, Texas, on its said claim, and the State of Texas, acting herein by and through its Legislature consents that it may be sued by W. C. Davis on the above mentioned claim in one of the district courts of McLennan County, Texas, citation in said suit shall be served on the Chairman of the State Highway Commission; be it further

Resolved, That should the said W. C. Davis recover a judgment against the State of Texas in such suit, that the judgment thus obtained, if any, shall be paid by the State through its Highway Commission out of any fund heretofore or hereafter appro-

priated to or for the use of the Highway Department of the State of Texas; be it further

Resolved, That said W. C. Davis shall give the necessary cost bond as in other civil suits, and either party shall have the right of appeal from any judgment rendered in the court in which said suit might be filed, be it further

Resolved, That a certified copy of this resolution, when presented to the district court in which the suit is pending, shall be conclusive evidence that the State has granted permission to said W. C. Davis to sue it on said claim and that the State has consented to be sued by said W. C. Davis on said claim.

WITT.

Read and adopted.

Simple Resolution No. 2.

Senator Hornsby sent up the following resolution:

Whereas it was necessary to have the Senate Chamber put in order for the Second Called Session of the Forty-first Legislature and the following were on duty for the number of days placed opposite their names:

| | |
|---|--------|
| Mrs. M. B. Brown, Postmistress | 3 days |
| Charles Pratt, Page | 2 days |
| A. W. Holt, Sergt-at-arms | 2 days |
| Carl Boes, Engrossing and Enrolling Clerk | 4 days |
| Buck Green, Porter | 3 days |
| Fred Rhambo, Porter | 3 days |
| Charley Jackson, Porter | 2 days |
| Tom Burton, Porter | 2 days |

Therefore be it resolved that they be allowed per diem for the above number of days.

HORNSBY.

Read and referred to the Committee on Contingent Expenses.

Simple Resolution No. 3.

Senator McFarlane sent up the following resolution:

Whereas Honorable Orville Bullington, Vice-Chairman of the Republican State Committee, is within the bar of the Senate.

Therefore, Be it resolved by the Senate that he be invited to address the Senate.

McFARLANE,
PARRISH.

Read and adopted.

The Chair appointed Senators McFarlane and Parrish to escort Mr. Bullington to the platform.

Mr. Bullington Speaks.

Senator McFarlane introduced Mr. Bullington who briefly addressed the Senate.

Senate Bill No. 5.

The question recurred upon the final passage of S. B. No. 5.

Senator Pollard sent up the following amendment:

Amend S. B. No. 5, page 37, after line 18 by adding the following:

"For the purchase of twenty-six acres of land for \$1500.00 the first year."

POLLARD,
THOMASON.

Read and adopted by the following vote:

Yeas—28.

| | |
|-------------|-------------|
| Beck. | Miller. |
| Berkeley. | Neal. |
| Cousins. | Parr. |
| Cunningham. | Parrish. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Williamson. |
| Hyer. | Wirtz. |
| Love. | Witt. |
| Martin. | Woodul. |
| McFarlane. | Woodward. |

Absent.

Moore. Patton.

Absent—Excused.

Westbrook.

Senator Martin sent up the following amendment:

Amend S. B. No 5, page 57 lines 7-8-9-10 by striking out from the word "fund" on line 7 to end of line 10 and substituting the following "support and maintenance fund and is hereby appropriated as a supplement to the support and maintenance of the said eleemosynary institutions in the event said amounts herein provided for support and maintenance is not sufficient to support said institution, said fund shall

be deposited in the State treasury and paid out as required by law."

MARTIN.

The amendment was read.

Senator Pollard moved to table the amendment. The motion to table prevailed.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 5, page 52, by adding after line 25 the following:

"For rehabilitation of and for providing vocational training of inmates by employing a dairying specialist—\$3,000.00 for each year," and

"For purchasing pure bred dairy cattle—\$7,500.00 for each year."

McFARLANE.

The amendment was read and adopted by the following vote:

Yeas—25.

| | |
|-------------|-------------|
| Beck. | Parrish. |
| Berkeley. | Patton. |
| Cousins. | Pollard. |
| Cunningham. | Russek. |
| Gainer. | Small. |
| Greer. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Williamson. |
| Martin. | Wirtz. |
| McFarlane. | Witt. |
| Miller. | Woodul. |
| Neal. | Woodward. |
| Parr. | |

Nays—1.

DeBerry.

Absent.

| | |
|---------|--------|
| Hardin. | Love. |
| Hyer. | Moore. |

Absent—Excused.

Westbrook.

The bill as amended finally passed.

Senator Parrish moved to reconsider the vote by which the bill finally passed.

Senator Pollard moved to table the motion. The motion to table was adopted by the following vote:

Yeas—16.

| | |
|-------------|------------|
| Berkeley. | Love. |
| Cousins. | McFarlane. |
| Cunningham. | Neal. |
| Hardin. | Parr. |
| Holbrook. | Pollard. |

| |
|-----------|
| Russek. |
| Small. |
| Thomason. |

| |
|---------|
| Wirtz. |
| Witt. |
| Woodul. |

Nays—10.

| | |
|----------|-------------|
| Beck. | Miller. |
| DeBerry. | Parrish. |
| Greer. | Stevenson. |
| Hornsby. | Williamson. |
| Martin. | Woodward. |

Absent.

| | |
|---------|---------|
| Gainer. | Moore. |
| Hyer. | Patton. |

Absent—Excused.

Westbrook.

Reason for Vote.

On S. B. No. 5 which was passed without a roll call I vote nay for the following reason:

I believe the total amount is too high, however, I think the appropriation for these institutions should be increased to adequately take care of the state's unfortunates. I have been promised an appointment on the Free Conference Committee where I intend using my efforts to materially cut down this appropriation.

DeBERRY.

Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives
Austin, Texas, June 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:
S. C. R. No. 4, Providing for a Joint Session between the House and Senate at 11 a. m., June 11, 1929.

H. C. R. No. 5, Relating to the Federal Plant Quarantine and Control Administration.

Respectfully submitted.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives
Austin, Texas, June 6, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following bill:

H. B. No. 1, A bill to be entitled "An Act appropriating two million, five hundred thousand dollars (\$2,500,000) per year, or so much thereof as may be necessary, for the next two fiscal years, for the purpose of promoting rural school education and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts, etc., and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives
Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to House Concurrent Resolution No. 3 by unanimous consent.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives
Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 8, A bill to be entitled "An Act appropriating the sum of eighteen thousand, seven hundred and fifty dollars (\$18,750), or so much thereof as may be necessary for the compensation and expenses of the Commissioner appointed by the Supreme Court of the United States under the decree of that Court based upon its opinions of December 5, 1927, and April 9, 1928, in Cause No. 2, Original in Equity, October Term, 1927, styled State of New Mexico, Complainant, vs. State of Texas, to locate and mark upon the ground the boundary line between the State of Texas under the judgment of said Court, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives
Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 38, A bill to be entitled "An Act authorizing commissioners courts in counties in Texas having a population of at least 202,000 inhabitants, as shown by the census of 1920, in which are established hospitals jointly owned or operated by any city and county to levy a direct tax of not over ten cents on the valuation of one hundred dollars for the purpose of erecting buildings and other improvements, and for maintaining and operating such hospitals and providing that all such levy of taxes shall be submitted to the qualified taxpaying voters of the county and a majority vote to be necessary to levy the taxes, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

H. C. R. No. 5.

The Chair laid before the Senate the following resolution:

H. C. R. No. 5, Relating to the Federal Plant Quarantine and Control Administration.

Read and adopted.

Senate Bill No. 4.

Senator Pollard called up from the table the following bill:

By Senator Pollard:

S. B. No. 4, A bill to be entitled "An Act making appropriation for the support and maintenance of the State Government for the two-year period beginning September 1, 1929, and ending August 31, 1931, and for other purposes and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

Read second time.

Senator Pollard sent up the following amendments:

Amend S. B. No. 4, page 23, by adding in line No. 30 the words "And automobile maintenance" and in line 32 by adding the words "And Topographic Survey."

POLLARD.

The amendment was read and adopted.

Amend S. B. No. 4, page 32, by striking out in line 15 and 16, the words "10 months."

POLLARD.

Read and adopted.

Amend S. B. No. 4 by adding a new line after line 5 on page 32, same to be line 5-a, as follows: "State of Texas part of expenses of Vocational Agriculture, Home Economics and Trade and Industries, the remainder to be supplemented by Federal Aid."

POLLARD.

Read and adopted.

Amend S. B. No. 4, page 4, line 25 by adding the word "six" after the word "thirty."

POLLARD,
THOMASON.

Read and adopted.

Senator Woodul sent up the following amendment:

Amend S. B. No. 4, page 2, line 24, substituting the figures \$900,000 wherever the figures \$720,000 appear.

WOODUL.

Read and adopted.

Senator Wirtz sent up the following amendment:

Amend S. B. No. 4, page 4, line 26 by striking out the figures in 60th column and insert in lieu thereof \$65,160.00 in each column.

WIRTZ.

The amendment was read.

House Bill Referred.

H. B. No. 1 referred to Committee on Finance.

Recess.

Senator DeBerry moved to recess until 2:30 o'clock p. m. The motion prevailed and at 12:04 o'clock p. m., the Senate recessed.

After Recess.

The Senate met at 2:30 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Senate Bill No. 73.

Senator Witt received unanimous consent to take up out of its regular order the following bill:

By Senators Woodward and Witt:

S. B. No. 73, A bill to be entitled "An Act validating the service of citations whether published or posted in all proceedings where guardians have been appointed, written wills probated or executors or adminis-

trators appointed and validating sale of lands under the orders of the probate courts by guardians, executors or administrators after citation was published, as provided in Chapter 179, Acts Regular Session of 1917; etc., and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The Committee report was adopted.

On motion of Senator Witt, the to be read on three several days was suspended and S. B. No. 73 was put on its second reading by the following vote:

Yeas—28.

| | |
|-------------|-------------|
| Beck. | Miller. |
| Berkeley. | Neal. |
| Cousins. | Parr. |
| Cunningham. | Parrish. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Williamson. |
| Hyer. | Wirtz. |
| Love. | Witt. |
| Martin. | Woodul. |
| McFarlane. | Woodward. |

Absent.

Moore. Patton.

Absent—Excused.

Westbrook.

The bill was read second time and passed to engrossment.

On motion of Senator Witt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 73 was put on its third reading and final passage, by the following vote:

Yeas—28.

| | |
|-------------|-------------|
| Beck. | Miller. |
| Berkeley. | Neal. |
| Cousins. | Parr. |
| Cunningham. | Parrish. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Williamson. |
| Hyer. | Wirtz. |
| Love. | Witt. |
| Martin. | Woodul. |
| McFarlane. | Woodward. |

Absent.
 Moore. Patton.
 Absent—Excused.
 Westbrook.
 Read third time and finally passed
 by the following vote:

Yeas—28.

| | |
|-------------|-------------|
| Berkeley. | Miller. |
| Beck. | Neal. |
| Cousins. | Parr. |
| Cunningham. | Parrish. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Williamson. |
| Hyer. | Wirtz. |
| Love. | Witt. |
| Martin. | Woodul. |
| McFarlane. | Woodward. |

Absent.

Moore. Patton.
 Absent—Excused.
 Westbrook.

Senate Bill No. 26.

Senator Holbrook received unanimous consent to take up out of its regular order the following bill:

By Senator Holbrook:

S. B. No. 26, A bill to be entitled "An Act fixing the salary of court reporters in counties having a population of less than one hundred thousand and having a city of more than forty-four thousand according to the latest U. S. census, and prescribing the manner of its payment; and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 26 was put on its third reading and final passage, by the following vote:

Yeas—28.

| | |
|-------------|-----------|
| Beck. | Gainer. |
| Berkeley. | Greer. |
| Cousins. | Hardin. |
| Cunningham. | Holbrook. |
| DeBerry. | Hornsby. |

| | |
|------------|-------------|
| Hyer. | Russek. |
| Love. | Small. |
| Martin. | Stevenson. |
| McFarlane. | Thomason. |
| Miller. | Williamson. |
| Neal. | Wirtz. |
| Parr. | Witt. |
| Parrish. | Woodul. |
| Pollard. | Woodward. |

Absent.

Moore. Patton.
 Absent—Excused.
 Westbrook.

Read third time and finally passed
 by the following vote:

Yeas—28.

| | |
|-------------|-------------|
| Beck. | Miller. |
| Berkeley. | Neal. |
| Cousins. | Parr. |
| Cunningham. | Parrish. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Williamson. |
| Hyer. | Wirtz. |
| Love. | Witt. |
| Martin. | Woodul. |
| McFarlane. | Woodward. |

Absent.

Moore. Patton.
 Absent—Excused.
 Westbrook.

Senate Bill No. 27.

Senator Holbrook received unanimous consent to take up out of its regular order the following bill:

By Senator Holbrook:

S. B. No. 27, A bill to be entitled "An Act fixing the salary of the court reporter in each judicial district in this State containing four or more counties having a combined population according to the latest U. S. census of not less than eighty-four thousand four hundred and not more than eighty-four thousand four hundred seventy-five, and prescribing the manner of the payment of same; and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 27 was put on its third reading and final passage, by the following vote:

Yeas—28.

| | |
|-------------|-------------|
| Beck. | Miller. |
| Berkeley. | Neal. |
| Cousins. | Parr. |
| Cunningham. | Parrish. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Williamson. |
| Hyer. | Wirtz. |
| Love. | Witt. |
| Martin. | Woodul. |
| McFarlane. | Woodward. |

Absent.

Moore. Patton.

Absent—Excused.

Westbrook.

Read third time and finally passed by the following vote:

Yeas—28.

| | |
|-------------|-------------|
| Beck. | Miller. |
| Berkeley. | Neal. |
| Cousins. | Parr. |
| Cunningham. | Parrish. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Hornsby. | Thomason. |
| Holbrook. | Williamson. |
| Hyer. | Wirtz. |
| Love. | Witt. |
| Martin. | Woodul. |
| McFarlane. | Woodward. |

Absent.

Moore. Patton.

Absent—Excused.

Westbrook.

Senate Bill No. 16.

Senator Woodul received unanimous consent to take up out of its regular order the following bill:

By Senators Woodul and others:

S. B. No. 16, A bill to be entitled "An Act to amend Art. 1302 of the Revised Civil Statutes of the State

of Texas of 1925, so as to provide that private corporations may be formed for any lawful purpose or purposes, except as specified in this Act, etc., and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 16 was put on its third reading and final passage, by the following vote:

Yeas—28.

| | |
|-------------|-------------|
| Beck. | Miller. |
| Berkeley. | Neal. |
| Cousins. | Parr. |
| Cunningham. | Parrish. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Williamson. |
| Hyer. | Wirtz. |
| Love. | Witt. |
| Martin. | Woodul. |
| McFarlane. | Woodward. |

Absent.

Moore. Patton.

Absent—Excused.

Westbrook.

Read third time and finally passed by the following vote:

Yeas—28.

| | |
|-------------|-------------|
| Beck. | Holbrook. |
| Berkeley. | Hyer. |
| Cousins. | Love. |
| Cunningham. | Martin. |
| DeBerry. | McFarlane. |
| Gainer. | Miller. |
| Greer. | Neal. |
| Hardin. | Parr. |
| Hornsby. | Parrish. |
| Pollard. | Williamson. |
| Russek. | Wirtz. |
| Small. | Witt. |
| Stevenson. | Woodul. |
| Thomason. | Woodward. |

Absent.

Moore. Patton.

Absent—Excused.

Westbrook.

Senate Bill No. 4.

The question recurred upon Senator Wirtz's amendment to S. B. No. 4.

Senator Wirtz withdrew his original amendment and offered the following amendment:

Amend S. B. No. 4, Page 4, line 26, by striking out the figures in both columns, and in lieu thereof insert the following:

\$67,150.00 \$69,390.00

WIRTZ.

The amendment was read.

Senator Pollard moved to table the amendment. The motion prevailed by the following vote:

Yeas—14.

| | |
|-----------|-----------|
| Beck. | Neal. |
| Berkeley. | Parrish. |
| Gainer. | Patton. |
| Greer. | Pollard. |
| Hardin. | Thomason. |
| Hornsby. | Witt. |
| Love. | Woodward. |

Nays—6.

| | |
|-------------|---------|
| Cunningham. | Martin. |
| DeBerry. | Russek. |
| Holbrook. | Wirtz. |

Absent.

| | |
|----------|-------------|
| Cousins. | Moore. |
| Hyer. | Williamson. |

Absent—Excused.

Westbrook.

(Pairs Recorded).

Senator Parr (present), who would vote nay with Senator McFarlane (absent), who would vote yea.

Senator Stevenson (present), who would vote nay with Senator Small (absent), who would vote yea.

Senator Woodul (present), who would vote yea with Senator Miller (absent), who would vote nay.

Senator Parr sent up the following amendment:

Amend S. B. No. 4, Page 6 by striking out \$12,500 line 23 and insert in lieu thereof the following \$25,000 for each column.

PARR.

The amendment was read and adopted.

Senator Wirtz sent up the following amendment:

Amend S. B. No. 4, Page 13, by striking out all of lines 16, 17, and 18.

WIRTZ.

The amendment was read and adopted.

Senator Wirtz sent up the following amendment:

Amend S. B. No. 4, Page 14, line 10 by striking out the figures \$55,000 each year and in lieu thereof insert \$40,000 in each year.

WIRTZ.

The amendment was read and adopted.

Senator Martin sent up the following amendment:

Amend S. B. No. 4 by striking out items listed on page 14, lines 17, 18, and 19, and amend total to correspond to same.

MARTIN.

The amendment was read.

Senator Pollard moved to table the amendment. The motion prevailed.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 4, Page 14, line 24 by striking out \$4,000.00 each column and insert in lieu thereof \$3,600.00.

McFARLANE.

The amendment was read.

Senator Pollard moved to table the amendment. The motion prevailed by the following vote:

Yeas—23.

| | |
|-------------|-------------|
| Beck. | Parrish. |
| Berkeley. | Patton. |
| Cunningham. | Pollard. |
| DeBerry. | Russek. |
| Gainer. | Stevenson. |
| Hardin. | Thomason. |
| Holbrook. | Williamson. |
| Hornsby. | Wirtz. |
| Love. | Witt. |
| Martin. | Woodul. |
| Neal. | Woodward. |
| Parr. | |

Nays—2.

| | |
|--------|------------|
| Greer. | McFarlane. |
|--------|------------|

Absent.

| | |
|----------|--------|
| Cousins. | Moore. |
| Hyer. | Small. |
| Miller. | |

Absent—Excused.

Westbrook.

Senator Stevenson sent up the following amendment:

Amend S. B. No. 4 by striking out lines 12 to 17 inclusive on page 18 and change the totals accordingly.

STEVENSON.

The amendment was read.

Senator Pollard moved to table the amendment. The motion prevailed by the following vote:

Yeas—17.

| | |
|-------------|-------------|
| Beck. | Neal. |
| Berkeley. | Parr. |
| Cousins. | Parrish. |
| Cunningham. | Patton. |
| Hardin. | Pollard. |
| Holbrook. | Russek. |
| Hornsby. | Thomason. |
| Hyer. | Williamson. |
| Love. | |

Nays—5.

| | |
|------------|------------|
| DeBerry. | Stevenson. |
| Greer. | Wirtz. |
| McFarlane. | |

Present—Not Voting.

Gainer.

Absent.

| | |
|---------|-----------|
| Martin. | Witt. |
| Miller. | Woodul. |
| Moore. | Woodward. |
| Small. | |

Absent—Excused.

Westbrook.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 4, Page 15 by striking out the words and figures in line 6.

McFARLANE.

The amendment was read.

Senator Pollard moved to table the amendment. The motion prevailed by the following vote:

Yeas—16.

| | |
|-------------|-------------|
| Beck. | Love. |
| Berkeley. | Neal. |
| Cousins. | Parr. |
| Cunningham. | Pollard. |
| Gainer. | Thomason. |
| Holbrook. | Williamson. |
| Hornsby. | Witt. |
| Hyer. | Woodul. |

Nays—6.

| | |
|------------|------------|
| DeBerry. | Miller. |
| Greer. | Stevenson. |
| McFarlane. | Wirtz. |

Present—Not Voting.

Parrish.

Absent.

| | |
|---------|-----------|
| Hardin. | Russek. |
| Martin. | Small. |
| Moore. | Woodward. |
| Patton. | |

Absent—Excused.

Westbrook.

Senator Hardin sent up the following amendment:

Amend S. B. No. 4, Page 22 by changing figures after line 11 to read \$4,000.00 instead of \$3,600.00 per year. Add line 11a: "Secretary at \$1,800.00 per year."

HARDIN.

The amendment was read.

Senator DeBerry called for a division of the question.

The first part of the amendment was adopted.

The second part of the amendment was adopted by the following vote:

Yeas—21.

| | |
|-------------|-------------|
| Beck. | Neal. |
| Berkeley. | Parr. |
| Cunningham. | Parrish. |
| Gainer. | Patton. |
| Greer. | Pollard. |
| Hardin. | Russek. |
| Holbrook. | Stevenson. |
| Hornsby. | Thomason. |
| Hyer. | Williamson. |
| Love. | Woodul. |
| Martin. | |

Nays—3.

| | |
|------------|--------|
| Cousins. | Wirtz. |
| McFarlane. | |

Absent.

| | |
|--------|--------|
| Moore. | Small. |
|--------|--------|

Absent—Excused.

Westbrook.

(Pairs Recorded).

Senator DeBerry (present), who

would vote nay with Senator Woodward (absent), who would vote yea.

Senator Miller (present), who would vote nay with Senator Witt (absent), who would vote yea.

Senator Hornsby sent up the following amendment:

Amend S. B. No. 4, Page 20, by striking out the word two, in line 19 and insert the following:

| | 1930 | 1931 |
|------------------|---------|---------|
| Chief Technician | \$2,000 | \$2,000 |
| Asst. Technician | 1,600 | 1,600 |

HORNSBY.

The amendment was read and adopted.

Senator Cunningham sent up the following amendment:

Amend S. B. No. 4, Page 21, line 17 and 18, by striking out the figures 3600 and inserting in lieu thereof the figures 4800.

CUNNINGHAM.

The amendment was read and adopted.

Simple Resolution No. 4.

Senator Hornsby sent up the following resolution:

Be it resolved, that the Austin Lion's Club be permitted the use of the Senate Chamber, during the three days Convention of Texas Lions, that will be held in the City of Austin during the year 1930.

HORNSBY.

Read and adopted.

House Bills Referred.

H. B. No. 8 referred to Committee on Finance.

H. B. No. 38 referred to Committee on State Affairs.

Adjournment.

Senator Wirtz moved to adjourn until tomorrow morning at 10:00 o'clock. The motion prevailed and at 4:45 o'clock the Senate adjourned.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No.

9 carefully examined and compared and find the same correctly engrossed.

MILLER, Chairman.

Committee Room,

Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 2 carefully examined and compared and find the same correctly engrossed.

MILLER, Chairman.

Committee Room,

Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 5 carefully examined and compared and find the same correctly engrossed.

MILLER, Chairman.

Committee Room,

Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 16 carefully examined and compared and find the same correctly engrossed.

PARR, Chairman.

Committee Room,

Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 26 carefully examined and compared and find the same correctly engrossed.

PARR, Chairman.

Committee Room,

Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 27 carefully examined and compared and find the same correctly engrossed.

PARR, Chairman.

Committee Room,

Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 73 carefully examined and compared and find the same correctly engrossed.

PARR, Chairman.

Committee Reports.

(Majority Report.)

Committee Room,
Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We a majority of your Committee on Rules, to whom was referred

S. R. No. 1, "A Resolution that the Rules of the Regular Session of the Forty-first Legislature be, and they are hereby, adopted as the Rules of this, The Second Called Session of the Forty-first Legislature, with the following amendment thereto:

Amend by adding a new Rule, to be known as,

Rule 4a. When a call of the Senate has been demanded, and a motion has been adopted, to compel the attendance of absent members, the doors of the Senate shall be closed, and shall be kept closed, and no Senator shall leave the Senate without its permission, until the Call of the Senate shall be dissolved by majority vote of the Senate, or until the Senate shall adjourn or recess."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WIRTZ, Vice-Chairman.

PARR,
MILLER.

(Minority Report.)

Committee Room,
Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Rules, to whom was referred

S. R. No. 1, "A Resolution that the Rules of the Regular Session of the Forty-first Legislature be, and they are hereby adopted as the Rules of this, The Second Called Session of the Forty-first Legislature, with the following amendment thereto:

Amend by adding a new Rule, to be known as,

Rule 4a. When a call of the Senate has been demanded, and a motion has been adopted to compel the attendance of absent members, the doors of the Senate shall be closed, and shall be kept closed, and no Senator shall leave the Senate without its permission, until the call of the Senate shall be dissolved by majority vote of the Senate, or until the Senate shall adjourn or recess."

Have had the same under consideration and beg leave to differ with the majority of the Committee and report it back to the Senate with the recommendation that it do pass.

SMALL.

HORNSBY.

Committee Room,
Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 59, A bill to be entitled "An Act requiring trustees of public school districts to provide a suitable United States flag for such school building of the district; requiring the State, city and County superintendents to issue and have observed the necessary instructions for the proper display and protection of the flag, and prescribing a penalty for the violation of the provisions of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 66, A bill to be entitled "An Act exempting veteran soldiers and others serving in the Spanish-American War from payment of fees or charges in State Institutions, Schools or Colleges of this State to the same extent that those serving in the World War are exempt from same under the laws of this State; providing what laws shall govern and apply to said exemption; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, June 6, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 56, A bill to be entitled "An Act providing for a local option method of determining the question of whether or not the county superintendent of schools in each county of this State shall be employed by the county board of trustees; providing that in such cases the county board of trustees may fix the salary of the county superintendent, not to exceed the maximum now provided by general law, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, June 6, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 46, A bill to be entitled, "An Act to amend Articles 2745, 2747, R. S. 1925, pertaining to the term of office of trustees in common school districts; providing for filling vacancies in said office; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, June 6, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 50, A bill to be entitled "An Act to amend Article 2892, R. S. 1925, fixing the age and extending the term for compulsory attendance; repealing all laws in conflict

herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, June 6, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 51, A bill to be entitled "An Act to amend Article 2781, R. S. 1925, relating to term of contract of superintendents, principals, teachers or other executive officers in independent school districts; repealing all laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, June 6, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 48, A bill to be entitled "An Act amendatory of Articles 2774, 2777, 2808 and 2922, R. S. 1925, providing for the appointment or election and term of office of school trustees in all independent, consolidated and rural high school districts; adjusting the term of office of trustees now in office; providing for the date of first election under this Act; repealing all laws both general and special in conflict herewith and especially repealing Article 2782, R. S. 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, June 6, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 73, A bill to be entitled "An Act validating the services of

citations whether published or posted in all proceedings where guardians have been appointed, written wills probated or executors or administrators appointed and validating sale of lands under the orders of the probate courts by guardians, executors or administrators after citation was published, as provided in Chapter 179, Acts Regular Session of 1917, and without service of citation or notice by posting as provided in Article 3568, Revised Civil Statutes of 1925, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 57, A bill to be entitled "An Act amending Article 1723 of the Revised Statutes of 1925, providing for the appointment by the Supreme Court of stenographers for that court, and fixing their salaries; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 36, A bill to be entitled "An Act amending Section 1 of Chapter 218 of the General and Special Laws of the Regular Session of the Fortieth Legislature so as to permit blue uniforms in addition to dark grey to be worn by officers making arrests for violations of the laws of this State relating to the speed of motor vehicles; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the committee amendments attached hereto.

WIRTZ, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 36 by replacing the period after the word "thereof" at the end of the third sentence in Section 1 with a comma, and by adding the following:

"Provided any officer pursuing or lying in wait in any vehicle other than a motorcycle shall be held to be designedly remaining in hiding as defined in this Act."

Committee Amendment No. 2.

Amend S. B. No. 36 by striking out the words "blue or" in the last sentence of Section 1, and by replacing the period at the end of Section 1 with a comma and adding the following:

"Provided that the uniform worn by city policemen within the corporate limits of an incorporated city or town may be either blue or dark grey in color."

Committee Room,

Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 31, A bill to be entitled "An Act relating to financial management and control of any incorporated city or town that has, or may hereafter, default in payment of bonds or other obligations lawfully issued thereby; prescribing proceedings of court for appointment of Receiver therefor under orders of district court of proper jurisdiction; providing that powers of governing body of such municipality shall not be affected or restricted except as herein provided; prescribing powers and duties of receiver; providing that the limit of taxation for any specially chartered city shall be governed by the Constitution of the State of Texas and not by the provisions of any special charter; providing that all valid obligations shall be of equal standing and providing that all levies legally made for the payment of bonds and obligations shall constitute a prior pledge thereof for that purpose to the full amount of such levies; continuing such receiver in office until such defaults have been remedied and fully satisfied, including interest and cost of receivership; enacting provisions incident and necessary to the subject

and purpose of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the attached committee amendment.

WIRTZ, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 31, by striking out of Section 1, the following:

"or in the office of the Clerk of the District Court of the United States."

Committee Room,

Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 37, A bill to be entitled "An Act authorizing commissioners' courts in counties in Texas having a population of at least 202,000 inhabitants and less than 210,000 inhabitants, as shown by the census of 1920, in which are established hospitals jointly owned or operated by any city and county to levy a direct tax of not over ten cents on the valuation of one hundred dollars, for the purpose of erecting buildings, and other improvements and for maintaining and operating such hospitals and providing that all such levy of taxes shall be submitted to the qualified tax-paying voters of the county and a majority vote to be necessary to levy the taxes; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 62, A bill to be entitled "An Act limiting the amount of white perch, crappie or bass that may lawfully be taken in one day from the public fresh waters of Denton county, Texas, prescribing penalties for violating this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 61, A bill to be entitled "An Act providing for the purchase of certain real estate located in the city of Austin, north of the Capitol Building and south of Fourteenth Street for State purposes; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 52, A bill to be entitled "An Act to authorize H. L. McKee, his heirs, legal representatives and assigns, to construct, maintain, and operate a toll bridge across Lake Sabine at or near Port Arthur, Texas, between Texas and Louisiana, subject to certain limitations and conditions, and for the acquisition thereof by the State and Federal Governments, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Cousins.

S. B. No. 52.

A BILL

To Be Entitled

An Act to authorize H. L. McKee, his heirs, legal representatives, and assigns, to construct, maintain, and operate a toll bridge across Lake Sabine at or near Port Arthur, Texas, between Texas and Louisiana, subject to certain limitations and conditions, and for the acquisition thereof by the State and Federal Government, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That, in order to promote Inter-State Commerce, improve the Postal service, increase the taxable area of the State of Texas and provide for military and other purposes, but exempting from tolls all troops, militia, officers, agents and representatives of the State and Federal Government when on official business. The State of Texas hereby grants permission to and authorizes H. L. McKee, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across and upon Lake Sabine, between a point at or near Port Arthur, Texas, to meet with a point opposite in Cameron Parish, Louisiana, in accordance to the authority issued the said H. L. McKee, his heirs, legal representatives, and assigns, by Act of Congress, May 18, 1928. Number 432-Seventieth Congress. (S. 4253.)

Sec. 2. There is hereby conferred upon H. L. McKee, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands, to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations, for railroad purposes, or by bridge corporations, for bridge purposes, in this State, wherein such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of the State of Texas, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in this State, provided: That no part of the present Pleasure Pier on the East side of the Sabine-Neches Canal belonging to the City of Port Arthur shall be condemned, nor shall the same be acquired or occupied by the said H. L. McKee, his heirs, legal representatives, or assigns, except upon terms and conditions to be stipulated by said City of Port Arthur, nor shall land leased to the Port Arthur Chamber of Commerce and Shipping be condemned, nor shall the same be acquired, or occupied by the said H. L. McKee, his heirs, legal

representatives, or assigns, except upon terms and conditions to be stipulated by said Port Arthur Chamber of Commerce and Shipping.

Sec. 3. The said bridge shall be complete and open to the public within five (5) years from the date construction thereof is granted by said United State of America, and if not completed and open to the public within the above period, all rights and grants therein shall ipso facto terminate and revert to the State of Texas unless such time shall hereafter be extended by the State of Texas. The State of Texas in granting the rights, powers and franchises conferred in this Act, does so with the express reservation that the State of Texas shall possess all the rights, powers and authority that is now or may hereafter be possessed by the Federal Government as embodied in the Act of Congress March 23, 1906, General Bridge Laws. The franchise granted herein is conditioned upon the terms and provisions of the above Act.

Sec. 4. There is hereby granted to H. L. McKee, his heirs, legal representatives, and assigns, a right-of-way upon which to construct bridge, and upon the completion and opening of said bridge to the public there is hereby granted in fee unto H. L. McKee, his heirs, legal representatives, and assigns, for the sum of One (\$1.00) Dollar and performance of the obligations herein imposed upon the said H. L. McKee, his heirs, legal representatives, and assigns, an area two thousand (2,000) feet wide on each side of and parallel to said bridge for such purposes as the grantee herein may desire, Provided: The mineral rights to said land are expressly reserved to the State of Texas.

Sec. 5. The said H. L. McKee, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge and the rates of toll so fixed shall be legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Sec. 6. After completion of such bridge, as determined by the Secretary of War, either the State of Texas, the State of Louisiana, any public agency, or political subdivision of

either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all rights, title and interest in such bridge and its approaches, and any real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of ten (10) years after the completion of such bridge, the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenue or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) the actual financing and promotion costs, not to exceed 10 per centum of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property, and (4) actual expenditures for necessary improvements.

Sec. 7. If such bridge and its approaches shall at any time be taken over by the States of Texas and Louisiana or political subdivisions thereof, or by either of them, it shall be in accordance with the above mentioned Congressional authority.

Sec. 8. No provision here in can be construed to prevent the State of Texas from hereafter providing for a tax on the gross earnings of said bridge, after ten (10) years after its completion and opening to the public.

Sec. 9. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to H. L. McKee, his heirs, legal representatives, and assigns, and any corporation to which, or any person to whom such rights, powers, and privileges may be sold, assigned or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as

though conferred herein directly upon such person or corporation.

Sec. 10. Should any part of this law be declared unconstitutional by the courts, that fact shall not impair other parts of the Law.

Sec. 11. The short time in which the grantee herein is to commence work creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is so suspended and this Act shall take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 29, A bill to be entitled "An Act creating the Texas State Nautical School for the purpose of giving instruction in the practice of navigation, seamanship, wireless telegraphy, steam and electrical engineering, creating a Board of Governors to manage said school, providing for the administration thereof, and for the adoption of rules and regulations by said Board; making an appropriation for the purpose of establishing and maintaining the same and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOODWARD, Chairman.

By Cousins.

S. B. No. 29.

A BILL

To Be Entitled

An Act creating the Texas State Nautical School, for the purpose of giving instruction in the practice of navigation, seamanship, wireless telegraphy, steam and electrical engineering; creating a Board of Governors to manage said school, providing for the adoption of rules and regulations by said Board; making an appropriation for the purpose of establishing and maintaining the same, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That there be, and there is hereby created the Texas State Nautical School, which shall, as hereafter provided, be maintained at any of the various Texas Ports or as the federal statute may provide, or as the Board of Governors may select, for the purpose of giving instruction in the science and practice of navigation, seamanship, steam and electrical engineering, and such other courses of instruction necessary in the foregoing subjects, to students from the several counties of this State, who have been resident citizens of this State for a period of at least twelve months preceding their matriculation, who shall have the qualifications of good moral character, elementary education, and physical fitness, which may be required by the Board of Governors of said school.

Sec. 2. It is the purpose of this Act that the State of Texas shall take advantage of the Act of Congress authorizing the Secretary of the Navy in order to promote nautical education, to furnish upon the application of the Governor of the State of Texas a suitable vessel of the United States Navy, with all apparel, charts, books and instruments of navigation and a sum not exceeding the amount annually appropriated by any state or municipality.

Sec. 3. The Governor of the State of Texas shall appoint a Board of Governors of the Texas State Nautical School, which shall consist of the Superintendent of Public Instruction, the President of the University of Texas, the President of the A. and M. College, and seven other members who shall be appointed, two for a period of one year, two for a period of two years, and three for a period of three years, and thereafter said members shall hold office for a term of two years. Two members shall be persons who have either had as much as two years study in a maritime or similar school, or two years experience as a seaman, navigating between the United States of America and foreign countries, either in the Merchant Marine or Navy Service. Five members shall constitute a majority and may transact business for said Board. In case of a vacancy on said Board from any cause, such vacancy shall be filled by the Governor of the State for the unexpired term.

Sec. 4. The members of the Board of Governors shall serve without pay, but they shall be allowed their actual expenses incurred in attending any regular or called meeting of the Board of Governors or in attending the sessions of any duly appointed sub-committee of said Board, which allowance shall be paid from any appropriation which may be provided for the purpose of said nautical school.

Sec. 5. The Board of Governors, at its first meeting, shall elect one of its members as chairman, and such chairman, under the instructions of the Board, shall have the general supervision and control of the school, and of all its property, and shall have the direction of its work and that of the instructors and others engaged in the school. The Chairman of the Board, so elected, shall serve as such for one year, or until his successor is elected. The successor, as chairman, shall be elected by vote of the members of the Board at a regular or called meeting thereof, after ten days' notice that a chairman is to be elected at such meeting.

Sec. 6. The Board of Governors shall provide and maintain a nautical training school, pursuant to the provisions of this Act, aboard a proper vessel furnished by the Federal Government, which shall have as its home port and headquarters, any Texas Port the Board of Governors may select.

Sec. 7. Immediately upon their appointment the members of the Board of Governors shall meet at a place to be designated by the Governor upon a notice calling such meeting, issued by him. It shall be the duty of the Board of Governors to purchase and provide necessary apparel, books, charts, instruments, apparatus and supplies required in the work of such school and for the proper accommodation and keep of the superintendent, instructors, employees, and pupils aboard such ship; appoint and determine the compensation of a superintendent, instructors and employees of such school, within the appropriation made therefor; fix the terms and conditions upon which pupils shall be received in said school and be graduated, discharged, suspended and from time to time shall arrange for cruises from and to the harbors of Corpus Christi, Galves-

ton, Houston, Beaumont and other Texas Ports. Admission as a pupil and tuition need not be charged for, but if charged, shall not exceed that now provided for state institutions of higher learning, and keep shall be free on board such vessel to any student having the required qualifications, except an initial fee of Fifty (\$50.00) Dollars, for part cost of equipment, etc.

Sec. 8. Said Board of Governors shall appoint and remove the superintendent of said school, who shall also be the Commander and Captain, the instructors and necessary employees, and they shall adopt rules and regulations with reference to the policy to be followed in establishing and maintaining said school not inconsistent herewith, and all rules and regulations necessary in the discharge of the duties devolving upon them for the purpose of this Act.

Sec. 9. The Board of Governors may take over, for the purposes of the school, such ship as the Secretary of the Navy shall furnish. They may annually expend for the purposes of such school, any sum which the Legislature shall appropriate and shall annually submit a budget or estimate of the sum required for the maintenance of the school, and for its cruises, to the Governor of the State; they shall keep full and detailed account of all expenditures, and shall make a complete report thereof with a report of the work of the school, annually, to the Legislature. They may appoint a secretary to the Board of Governors, determining his duties and fees, who shall be removable at the discretion of the Board. Any member of said Board of Governors may be removed in the same manner as now provided for the removal of a member of the Board of Regents of the University of Texas.

Sec. 10. In the event full provision has not been made with reference to the conduction of said school and the creation, appointment and duties of the Board of Governors, then the laws relating to the University of Texas and the Board of Regents thereof in this respect shall govern, unless the same be inconsistent with the provisions of this Act, in which case the provisions hereof shall prevail.

Sec. 11. The sum of Seventy-Five

Thousand (\$75,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated of the moneys in the treasury not otherwise appropriated for the expenses of said Texas State Nautical School for the year; said appropriation shall become available when the Governor of the State shall have appointed the Board of Governors, as provided for in this Act.

Sec. 12. The fact that only a short time remains until the end of the term of the Legislature, the large number of bills now before the House, and the fact that the State of Texas is in dire need of a nautical school, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days, be suspended, and the same is hereby suspended, and this Act shall take effect and be in force and effect from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 38, A bill to be entitled "An Act providing for the replevy by the defendant of personal property seized under sequestration; fixing the conditions of the replevy bond; providing for the discharge of the sureties; and repealing all laws and parts of laws in conflict therewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only

WOODWARD, Chairman.

By Williamson. S. B. No. 38.

A BILL

To Be Entitled

An Act providing for the replevy by the defendant of personal property seized under sequestration; fixing the conditions of the replevy bond; providing for the discharge of the sureties; and repealing all laws and parts of laws in conflict therewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The defendant in a sequestration proceeding shall have

the right to retain possession of personal property sequestered, by delivering to the officer executing the writ, a replevy bond payable to the plaintiff, with two or more good and sufficient sureties, to be approved by such officer, in an amount not less than double the value of the property to be retained, as set forth in the affidavit for sequestration, conditioned that he will satisfy any judgment recovered by the plaintiff, or pay thereon a sum equivalent to the value of such property, as set forth in said affidavit.

Sec. 2. Within ten (10) days after the rendition of judgment, the defendant may deliver to the clerk of the court in which such judgment was rendered, in cash, a sum equivalent to the amount thereof, or if such amount be in excess of the value of said property, as set forth in said affidavit, an amount equivalent to such value, which shall be credited by said clerk on said judgment, which credit shall operate as a release of defendant and the sureties on said replevy bond.

Sec. 3. All laws, and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 4. The importance of this Act and the crowded condition of the calendar creates an emergency and a public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this Act take effect from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, June 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 89, A bill to be entitled "An Act making an emergency appropriation out of the money in the State Treasury for the Industrial Accident Board of the State of Texas, for the balance of the fiscal year ending August 31, 1929, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

POLLARD, Chairman.

By Pollard.

S. B. No. 89.

A BILL

To Be Entitled

An Act making an emergency appropriation out of the money in the State Treasury for the Industrial Accident Board of the State of Texas, for the balance of the fiscal year ending August 31, 1929, and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sum of money, and the same is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, to cover an emergency appropriation for the Industrial Accident Board of the State of Texas, for the balance of the fiscal year ending August 31, 1929, which appropriation shall be for the emergency hereinafter stated:

| | |
|--|----------|
| Postage, box rent, express, telegraph and telephone | \$650.00 |
| Books, stationery, supplies and printing | 850.00 |
| Employment of physicians and expenses incidental to making medical examination | 500.00 |

Sec. 2. The fact that the appropriations heretofore made for the above items are exhausted or will become exhausted before the expiration of the time for which the same was appropriated, creates an emergency, and an imperative public necessity which justifies the suspension of the constitutional rule requiring bills to be read on three several days in each House, and the rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

FIFTH DAY.

Senate Chamber,

Austin, Texas,

Friday, June 7, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.

Berkeley.

Cousins.

Cunningham.